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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,407	01/22/2001	Ronald Martin Tanner	56932.000007	7309
29315	7590	01/25/2005		
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			EXAMINER BASOM, BLAINE T	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/766,407

Applicant(s)

TANNER ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

The Examiner acknowledges the Applicants' amendments to claims 1, 5-8, 11-13, 17-20, and 23-24, and the addition of new claims 25 and 26. Regarding independent claims 1 and 13, the Applicants argue that Traversat (U.S. Patent No. 6,052,720), as described in the previous Office Action mailed 4/7/2004, fails to teach creating at least one image of a device, whereas added to each of these claims, the at least one image comprises at least one of an operating system and an application. In response, the Examiner presents the U.S. Patent of Haun et al. (U.S. Patent No. 6,751,658), which as shown below, teaches creating such an image comprising at least one of an operating system and application. The Applicants' arguments with respect to the claimed invention have thus been considered, but are moot in view of the following new grounds of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,751,658, which is attributed to Haun et al. (and hereafter referred to as "Haun"). In general,

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Haun describes a method, implemented within a network environment, in which the image of a client computer is maintained by a server computer, and provided to the client as it boots from the network (see, for example, column 1, lines 44-57).

Specifically regarding claims 1 and 13, Haun teaches creating a “shared OS image” and understandably one or more “shared application images” (see column 4, line 66 – column 5, line 18; column 12, lines 10-28; and column 12, line 56 – column 13, line 53), which are provided by the server to each of the client computers within the network (for example, see column 10, lines 29-38), and which may be represented within a directory maintained by the server computer (for example, see column 12, lines 10-44). These shared images are each considered “at least one image of the device,” like recited in the claimed invention. Additionally, Haun discloses that one or more additional images, such as a “shadow image” (see column 12, lines 33-44) and understandably one or more application images (see column 5, lines 59-63; and column 12, lines 46-55) may be placed within a directory location associated with a particular client computer (see column 12, lines 33-44, for example), and may be merged with the shared images in order to provide to the particular client computer an operating system and applications that are configured according to the user’s preferences (see column 8, lines 43-67). The shared images and the additional images, as merged together, thus form a customized image that is placed on the client computer. This customized image is particularly placed on the device according to what is considered an imaging server policy comprising a rule that if the device is known to the server, then a particular process occurs to create and deliver the image to the device, whereas if the client computer is unknown to the server, then a different process occurs to create and deliver an image. Haun discloses that the image delivered to each client computer is based on whether the

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client computer is known to the server, and on the existing shadow images or applications associated with the client computer in the directory (see column 9, line 7 – column 10, line 38). Thus in summary, Haun teaches: creating an imaging server policy, wherein the imaging server policy comprises a rule that is applied to the device to determine the image to deliver to the device; creating at least one image of the device, namely a shared image, which comprises at least one of an operating system and an application; placing a representation of the at least one image into a directory; associating one or more additional images, namely shadow images and application images, to the at least one image; customizing the at least one image to form at least one customized image, wherein the at least one customized image comprises the at least one image of the device and the one or more additional images; and placing the customized image on the device. Consequently, Haun is considered to teach a method like that recited in claim 1, which is for placing at least one image on a device, and associating one or more additional images to the image based on preselected criteria. A network implementing this method is considered a system like that recited in claim 13.

Concerning claims 2-5, 10-12, 14-17, and 22-24, Haun discloses that a folder is created to represent each particular client device in the above-described directory (see folder 690 in figure 6, and its associated description in column 12, lines 10-44). As described above, the procedure by which the server delivers an image to a client computer is representative of imaging server policy. During this procedure, it is understood that any images maintained within this folder are merged with the above-described shared images in order to create a customized image, which is placed on the client computer represented by the folder (for example, see column 8, lines 43-67). It is therefore understood that the imaging server policy is associated with this folder in order to

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determine the image to deliver to the client computer represented by this folder. Such a folder is consequently considered a “device object,” like recited in claims 2-4 and 14-16, wherein at least one policy is associated with the device object, and wherein at least one image is associated with the device object. Thus regarding claims 5 and 17, Haun teaches creating at least one object in the directory, and associating at least one shared image with the object, whereby like recited in claims 10 and 22, associating the shared image with the object comprises establishing a relationship with a policy in the directory. Haun similarly teaches creating an image object, and directly associating the image object with the device object, wherein like recited in claims 11 and 23, at least one specified image is applied to the device regardless of the rules specified in the imaging server policy. In particular, the above-described shared images, as represented in the directory, are each considered an image object. As described above, these shared images are merged with the images of the client computer folder, i.e. device object. It is understood that such a shared image may be provided to the client computer, regardless of if the client computer is not known by the server, i.e. represented by a folder within the directory (see column 9, line 7 – column 10, line 38). As per claims 12 and 24, it is also understood that that at least one rule of the imaging server policy, concerning whether a client computer is known to the server, may be based on hardware characteristics of the client computer, particularly the hardware address of the client computer (see column 9, lines 37-67).

Regarding claims 6 and 18, Haun teaches creating a boot image, which does not comprise the shared operating system images and application images described above (see column 12, lines 10-32). When a client computer boots, this image is provided to the device, and is associated with the image of the device, namely the shared images, and is also associated with

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additional images, namely the images maintained within the client computer's folder, in order to create a customized image (for example, see column 9, line 7 – column 10, line 38).

Additionally, Haun discloses that such a customized image, comprising the boot image, the device image, and the additional images, may be updated (see column 12, lines 46-55, for example). The boot image described by Haun is consequently considered a "base image," like recited in claims 6 and 18, whereby Haun teaches: creating a base image of the client computer that does not comprise the operating system and applications; associating the image of the device and one or more additional images to the base image; and updating the customized image to comprise the base image, the image of the device, and one or more additional images.

Referring to claims 7 and 19, Haun teaches creating a customized image, to be delivered to a client computer, by merging at least one image, particularly a shared image, with one or more shadow images, as is described above. Such a shadow image is understood to be defined and maintained as a file set, which is inserted into a corresponding shared operating system image in order to create an operating system image customized according to the user's preferences (see column 14, line 1 – column 15, line 25). Consequently, Haun is considered to teach customizing at least one image by defining one or more file sets, wherein the file sets are inserted into a corresponding one of the at least one image.

With respect to claims 8 and 20, Haun teaches creating one or more application images, which may be placed within the client computer's folder in the above-described directory (for example, see column 5, lines 59-63, and column 12, lines 46-55). Such a client computer folder additionally comprises a shadow image defining one or more user characteristics, such as user preferences (for example, see column 7, lines 23-41; and column 12, lines 33-44).

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Consequently, Haun teaches creating one or more application images, defining one or more user characteristics, and associating the one or more application images with the one or more user characteristics, particularly by placing the application images into the same folder as a shadow file defining the one or more user characteristics. Haun further discloses that at least one image, understood to be the above-described shared image, in addition to these application images, are mounted on the client computer (see column 10, lines 29, lines 38). Haun is thus considered to additionally teach inserting one or more application images into corresponding at least one image, particularly to present an image to mount on the client computer.

Concerning claims 9, 21, 25, and 26, the above-described method of Haun is implemented within a network environment, whereby the customized image of a client computer is maintained by a server computer, and provided to a client computer as it boots from the network (see, for example, column 1, lines 44-57; and column 8, lines 48-67). As Haun discloses that this client computer may adopt a variety of types and configurations (for example, see column 7, line 49 – column 8, line 42), it is understood that such a client computer may be a workstation, a type of computer well known in the art.

### ***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. Particularly, the Rodriguez et al.



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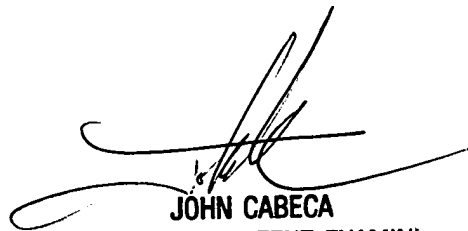
U.S. Patent cited therein teaches a method for placing an image on a device, whereby the image comprises at least one of an operating system and an application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb

  
**JOHN CABECA**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER